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01 MAR 1994

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Legal Staff
International Division



The patent application of:
David J. ROBSON, et al.

USSN 08/050,060
Filed April 30, 1993

International Application
No. PCT/GB91/01711
International Filing Date:
3 October 1991

METHOD OF ABSORBING HYDROPHOBIC
WATER-IMMISCIBLE LIQUIDS

Before the Examiner
Group Art Unit _____

Mailing Date:
28 January 1994

RECEIVED

FEB 22 1994

PETITION FOR REVIVAL UNDER 37
OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY
OR IN THE ALTERNATIVE
FOR REVIVAL UNDER 37 CFR 1.137(b) OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY

Box DAC
Commissioner of Patents and Trademarks
Washington, D. C. 20231
Sir:

Applicants petition for the revival of the
above-identified application pursuant to 37 CFR 1.137(a), or in
the alternative, pursuant to 37 CFR 1.137(b), and state as
follows:

1. In an office communication from the Patent and
Trademark Office dated July 29, 1993, the undersigned has noted
that the above-identified application is being forwarded to the
Abandoned Files because the oath or declaration of the
application was not filed in a timely manner.

P 30005 05/10/94 08050060 23-3030 030 241 585.00CH

080 KJ 02/16/94 08050060
~~080 KJ 02/16/94 1475122~~

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2. The deadline for filing the executed oath or declaration in this application was June 03, 1993, based on the deadline of 32 months from the claimed priority date (which was the state of the law at the pertinent time).

3. However, in entering the deadline date into the docketing system of applicants' attorneys, the date was erroneously entered as June 30, 1993. This error occurred as a result of transposing the number in the priority date of "03 October 1993" from "03" to "30". Thus, the correct date of June 03 was mistakenly entered as June 30.

4. Based on the incorrect docket date, the executed "Declaration and Power of Attorney" was mistakenly sent via Express Mail to the U.S. Patent and Trademark Office on June 30, 1993, rather than on June 3, 1993.

5. The Patent and Trademark Office received the Declaration and Power of Attorney as of June 30, 1993, as evidenced by a copy of the return postcard enclosed herewith.

6. Filed herewith is an "Affidavit of Cynthia C. Bushey" showing the causes of the unavoidable delay. Cynthia Bushey was formerly the secretary for the undersigned for several years, and was secretary at the time of the pertinent events, although she subsequently took another secretarial position in October, 1993. The change of positions of Cynthia Bushey has contributed to the delay in submitting this petition.

7. It will be seen from the attached Affidavit and subsequent paragraphs herein, and it is affirmatively stated by the undersigned, that the processing procedures have been carefully reviewed and that steps have been taken to avoid repetition of the events which took place in this case so that a similar error will not be made in the future.

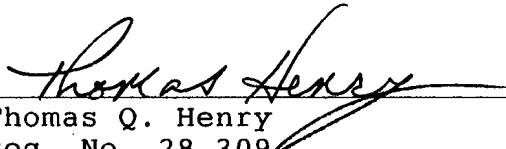
8. In addition, applicants' attorney notes that 37 CFR 1.53(d) indicates that the absence of an oath in an application will be brought to the applicants' attention by means of a "Notice to File Missing Parts" setting forth a period of time within which to file the oath and to pay a surcharge to avoid abandonment of the application. However, applicants' attorney states specifically that no such Notice to File Missing Parts was received in this case, and the first and only indication of anything missing from the file, and the resulting abandonment, was the office communication from the Patent and Trademark Office dated July 29, 1993 indicating that the case was being abandoned. Without such Notice to File Missing Parts, applicants' attorney was unaware and therefore unable to correct the deficiency in this case prior to abandonment.

9. Since the required oath has now already been received by the Patent and Trademark Office, there is no other response due with this petition. However, applicants note that a surcharge may be due in view of the late filing of the oath, and it is therefore requested and authorized that any surcharge which may be due be charged to Deposit Account No. 23-3030.

10. Applicants initially submit this petition pursuant to 37 CFR 1.137(a) on the basis that the abandonment of this application was unavoidable in view of the foregoing facts. In this regard, enclosed is a check in the amount of \$55.00. In the alternative, and if the abandonment is not consider to have been unavoidable, applicants request revival of this application pursuant to 37 CFR 1.137(b) on the basis that the abandonment of this application was unintentional in view of the foregoing facts. If this petition is treated as being pursuant to 1.137(b), or if otherwise required, it is requested and authorized that any additional fees which may be due be charged to Deposit Account No. 23-3030.

Respectfully submitted,

By


Thomas Q. Henry
Reg. No. 28,309
Woodard, Emhardt, Naughton
Moriarty & McNett
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



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() Copyright

Serial No. 08/050,060

Applicant: David J. Robson
et al.

(PCT/GB 91/01711)

Receipt of the attached
document-letter
acknowledged.

Date:

RETAIN THIS NUMBER-CUSTOMER
RECEIPT WILL BE MAILED TO YOU.

TB430476244

24 Rec'd PCT/PTO 6/30/93 30 JUN 1993

() application

☒ check for \$ 105.00

() sheets of drawing(s)

☒ Small Entity Declarations (2)

☒ Declaration & Power of Att.

☒ Assignment

() Amendment

() Req. for Extension of Time

() Specimens

☒ Form PTO-1595

☒ Req. for Refund of Excess Filing Fee

☒ Transmittal Letter

() (Form PTO-1390)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
David J. ROBSON, et al.)	
)	Before the Examiner
USSN 08/050,060)	
Filed April 30, 1993)	Group Art Unit _____
)	
International Application)	
No. PCT/GB91/01711)	
International Filing Date:)	Mailing Date:
3 October 1991)	28 January 1994
)	
METHOD OF ABSORBING HYDROPHOBIC)	
WATER-IMMISCIBLE LIQUIDS)	

AFFIDAVIT OF CYNTHIA C. BUSHEY

Box DAC
Commissioner of Patents and Trademarks
Washington, D. C. 20231
Sir:

I, Cynthia C. Bushey, depose and say as follows:

1. I am presently a legal secretary for Kim F. Ebert at Locke, Reynolds, Boyd and Wiesell.
2. I was secretary to Thomas Q. Henry, attorney for Applicant and Assignee, at the time this application and subsequent Declaration of Inventors were filed.
3. I have been a legal secretary since 1977, and was secretary to Thomas Q. Henry from June, 1990 until October 1993.
4. I have prepared the required documents for filing late declarations of inventors in connection with the nationalization of PCT applications in the United States on numerous occasions, without supervision.
5. Thomas Q. Henry had reasonable confidence that I would prepare the transmittal letter, to be timely sent with

the declaration in this application via U.S. Express Mail to the U.S. Patent and Trademark Office.

6. In the above-identified application, I inadvertently transposed the due date from 03 to 30 and therefore instead of express mailing the Declaration on 03 June 1993, I mailed it on 30 June 1994.

7. Office procedure has been carefully reviewed with respect to this particular situation, and steps have been taken to ensure that a similar error will not be made in the future.

Further affiant saith not.

Cynthia C. Bushey
Cynthia C. Bushey

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 25th day of January, 1994.

Sharon M. Cooper
Notary Public

SHARON M. COOPER
Printed Name

County of Residence: Marion

My Commission Expires: Sept. 7, 1994

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